

Appl No. 10/740,254
Atty. Docket No. AA-555C
Amdt. Dated October 24, 2005
Reply to Office Action of September 23, 2005
Customer No. 27752

Remarks

The Office Action states that the restriction to one invention is required under 35 USC §121. Applicants respectfully traverse the Restriction Requirement because there is no serious burden placed on the Examiner to consider all claims.

Restriction Requirement of Claims 1-14

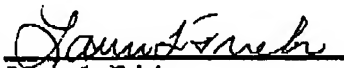
Under MPEP §803, a restriction requirement is proper only if a serious burden is placed on the examiner. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. Claims 1-14 are all drawn to a polyol-in-silicone emulsion having an alkyl dimethicone copolyol and a polyol. Some claims are directed to additional components, specific amounts of ingredients, or method of making. However, all claims consider utilizing a polyol-in-silicone emulsion having an alkyl dimethicone copolyol and a polyol. Applicants submit that the aforementioned compositions and methods are so closely related that it would not present an undue burden on the Examiner to examine the art.

For these reasons, Applicants submit that the restriction requirement applied to the above identified application is improper and should be withdrawn.

Provisional Election

In the event that the Examiner's election is made final, Applicants hereby provisionally elect Group I (claims 1, 2, 10, and 11). Applicants reserve the right to pursue the non-elected claims in one or more divisional applications.

Respectfully submitted,
The Procter and Gamble Company

By 
Laura L. Prieko
Attorney for Applicants
Registration No. 52,920
(513) 626-2721

October 24, 2005
Customer No. 27752